

COOPER, ROSE & ENGLISH, LLP
COUNSELLORS AT LAW

SDMS Document



95922

JOHN W. COOPER
FREDERICK W. ROSE
JERRY FITZGERALD ENGLISH
JOSEPH E. IMBRIACO
ROGER S. CLAPP
ARTHUR H. GARVIN, III
PETER M. BURKE*
GARY F. DANIS, P.E.
JOHN J. DELANEY, JR.
DAVID G. HARDIN
JOEL M. ROSEN
GIANFRANCO A. PIETRAFESA
JONATHAN S. CHESTER

480 MORRIS AVENUE
SUMMIT, NEW JERSEY 07901-1527
(908) 273-1212
FAX (908) 273-8922
www.crelaw.com

20 BINGHAM AVENUE
RUMSON, NEW JERSEY 07760-1539
(732) 741-7777
FAX (732) 758-1879

OF COUNSEL
RUSSELL T. KERBY, JR.
FREDI L. PEARLMUTTER
THOMAS J. SATEARY
THERESA E. JULIAN
MELISSA MIELE BRACUTI
CHRISTINE N. BERNACKI

ONE OR MORE ATTORNEYS ARE ALSO
ADMITTED IN NY OR DC
*CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A CIVIL
TRIAL ATTORNEY

January 16, 2004

Kedari Reddy, Esq.
Assistant Regional Counsel
United State Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

JAN 20 2004

Re: Diamond Alkali Superfund Site

Dear Ms. Reddy:

This firm represents Alliance Chemical, Inc. ("Alliance") in connection with the above site (the "Site"). You and I spoke towards the end of last year concerning the alleged nexus of Alliance to the Site. It is our understanding that the "Study Area" of concern to EPA is "the 17-mile stretch of the Lower Passaic River and its tributaries from Dundee Dam to Newark Bay." (Para. 10.o of Draft Administrative Order on Consent) (Emphasis added.)

You mentioned that Alliance was connected to the Site because of alleged discharges to Plum Creek, which is considered by EPA to be a tributary of the Passaic River. Alliance is physically located below the mouth of the Lower Passaic River and, to its knowledge, it has never discharged to the Lower Passaic River. For a brief period of time, Alliance allegedly discharged into an unnamed ditch. We are investigating whether that ditch discharged into Plum Creek. Although EPA takes the position that Plum Creek is a tributary of the Passaic River, Alliance believes that EPA is mistaken because Plum Creek is below the mouth of the Passaic River and it appears that Plum Creek discharges into Newark Bay, not the Passaic River. We respectfully request a

959220001

Kedari Reddy, Esq.
January 16, 2004
Page 2

meeting with you and your technical staff to discuss these issues. My secretary, Barbara Castronovo, will call you shortly to set up a meeting.

Feel free to contact me if you wish to discuss this letter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Fredi L. Pearlmutter', with a long horizontal flourish extending to the right.

Fredi L. Pearlmutter

FLP:bmc
355707_1

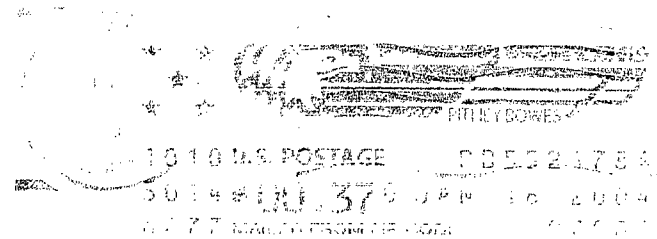
959220002

COOPER, ROSE & ENGLISH, LLP

COUNSELLORS AT LAW

480 MORRIS AVENUE

SUMMIT, NEW JERSEY 07901-1527



Kedari Reddy, Esq.
Assistant Regional Counsel
United State Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

950220003

10007#1823

